

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

2013 MAY 22 P 4:39

SKYLINE SOFTWARE SYSTEMS, INC.,)

Plaintiff,)

v.)

C3 TECHNOLOGIES AB,)
SAAB AB and SAAB VENTURES AB,)

Defendants.)

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No. 1:13 CV 624

AJT/TRJ

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Skyline Software Systems, Inc. ("Skyline") makes the following claims for relief against Defendants C3 Technologies AB ("C3"), Saab AB and Saab Ventures AB, as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES AND PATENT

2. Skyline is a Delaware corporation with its principal place of business at 13873 Park Center Road, Herndon, Virginia 20171. Skyline has had its principal place of business in Virginia since 2003. Skyline currently has 23 employees, 15 of whom work in the Herndon, Virginia facility, and four of whom are located at client sites in Virginia.

3. Skyline is in the business of designing, developing, marketing and selling

software tools for enabling three-dimensional geospatial applications, including SkylineGlobe. Skyline conducts these activities in and from its Herndon, Virginia facility. As a technology company with substantial sales, Skyline depends on innovation and the protection of the patent system to succeed in the marketplace.

4. As a result of its innovations, Skyline has obtained numerous patents, including United States Patent No. 7,551,172, entitled, "Sending Three-Dimensional Images Over a Network" (hereinafter "the '172 patent") and United States Patent No. 8,237,713, also entitled, "Sending Three-Dimensional Images Over a Network" (hereinafter "the '713 patent"). In addition, the United States Patent and Trademark Office recently issued a Notice of Allowance for Skyline's United States Patent Application No. 13/541,173, also entitled, "Sending Three-Dimensional Images Over a Network" (hereinafter "the allowed '173 application"). Skyline has paid the issue fee for the allowed '173 application.

5. Skyline owns all right, title and interest in, and has standing to sue for infringement of, the '172 and '713 patents.

6. C3 is a Swedish company with a place of business at Kungsgatan 49 4Tr S-11122, Stockholm, Sweden. C3 was founded by Saab Ventures AB ("Saab Ventures") in 2008. Saab Ventures is a Swedish corporation with its principal place of business at SE-581 88 Linköping, Sweden. Saab Ventures is owned and controlled by Saab AB which is a Swedish corporation with its principal place of business at SE-581 88 Linköping, Sweden.

7. On or around July 14, 2011, Saab AB and Saab Ventures divested their interest in C3. On or around August 1, 2011, Apple, Inc. ("Apple") acquired C3. Apple

is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014, and is registered to do business in the Commonwealth of Virginia.

8. Before and since its acquisition by Apple, C3 has conducted business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district including end users of the products accused of infringement, has established at least minimal contacts with the Commonwealth of Virginia such that it should reasonably and fairly anticipate being brought into court in Virginia and has purposefully reached out to residents of Virginia through its marketing, provision and sale of products, including the products accused of infringement.

9. Saab AB and Saab Ventures, through at least C3, have conducted business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district including end users of the products accused of infringement, have established at least minimal contacts with the Commonwealth of Virginia such that they should reasonably and fairly anticipate being brought into court in Virginia and have purposefully reached out to residents of Virginia through its marketing, provision and sale of products, including the products accused of infringement.

10. C3, Saab AB and Saab Ventures are related entities for purposes of infringement, with one succeeding the other, and have each committed acts of infringement in this judicial district. They also regularly transact business in this judicial district, including providing the technology accused of infringement. Direct infringers of the '172 and '713 patents also reside in and/or practice the patented inventions in this

judicial district.

11. The acts of infringement alleged herein were and have been committed when C3 was owned and controlled by Saab AB and Saab Ventures, during the time C3 operated as a separate entity following its spin out from Saab AB and Saab Ventures, and after Apple acquired C3.

12. This Court has personal jurisdiction over C3, Saab AB and Saab Ventures by virtue of their tortious acts of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district, and by virtue of C3's, Saab Ventures' and Saab AB's transaction of business in the Commonwealth of Virginia.

VENUE

13. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

ACTS OF PATENT INFRINGEMENT

14. C3 has provided three-dimensional mapping technologies to Nokia for use in at least the www.here.com website.

15. At the time it owned and controlled C3, Saab AB provided three-dimensional mapping technologies for Nokia for use in at least the www.here.com website.

16. At the time it owned and controlled C3, Saab Ventures also provided three dimensional mapping technologies for use in at least the www.here.com website.

17. Users of the www.here.com website have directly infringed at least claims 2, 4, 5, 6, 9, 16, 17, 19, 29, 31, 32, 34, 38-41, 49-52, 57-59, 63-65 and 69-71 of the '172 patent under 35 U.S.C. § 271(a) by requesting and obtaining three-dimensional maps

and imagery through the www.here.com website. C3, Saab AB and Saab Ventures have actively induced such infringement under 35 U.S.C. § 271(b) by providing three-dimensional mapping technology to Nokia for use in the www.here.com website. C3, Saab AB and Saab Ventures have acted with specific intent to induce such infringement.

18. C3, Saab AB and Saab Ventures have also contributed to infringement of at least claims 2, 4, 5, 6, 9, 16, 17, 19, 29, 31, 32, 34, 38-41, 49-52, 57-59, 63-65 and 69-71 of the '172 patent under 35 U.S.C. § 271(c) by providing its three-dimensional mapping technology for use in the www.here.com website. The three-dimensional mapping technology is a component and material part of the www.here.com website. C3, Saab AB and Saab Ventures knew and knows that the three-dimensional mapping technology was and is especially made or especially adapted for use in infringement of the '172 patent, and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

19. Users of the www.here.com website have infringed at least claims 1-7 and 9-20 of the '713 patent under 35 U.S.C. § 271(a) by requesting and obtaining three-dimensional maps and imagery through the www.here.com website. C3, Saab AB and Saab Ventures have actively induced such infringement under 35 U.S.C. § 271(b) by providing three-dimensional mapping technology to Nokia for use in the www.here.com website. C3, Saab AB and Saab Ventures have acted with specific intent to induce such infringement.

20. C3, Saab AB and Saab Ventures have also contributed to infringement of claims 1-7 and 9-20 of the '713 patent by users of the www.here.com website under 35

U.S.C. § 271(c) by providing three-dimensional mapping technology for use in the www.here.com website. The three dimensional mapping technology is a component and material part of the www.here.com website. C3, Saab AB and Saab Ventures knew and knows that the three dimensional mapping technology was and is especially made or especially adapted for use in infringement of the '713 patent, and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

21. Skyline believes that at least C3 will infringe one or more of the claims of the allowed '173 application when it issues as a patent.

22. Skyline has complied with the marking and notice requirements of 35 U.S.C. § 287.

23. C3's, Saab AB's and Saab Ventures' infringement has injured Skyline.

24. C3's ongoing infringement continues to injure Skyline.

25. Skyline is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty, under 35 U.S.C. § 284.

26. Further, Skyline will continue to be injured unless and until this Court enters an injunction prohibiting further infringement and inducement of infringement.

PRAYER FOR RELIEF

WHEREFORE, Skyline, asks this Court to enter judgment against each of C3, Saab AB and Saab Ventures, and their respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Skyline for the infringement that has occurred, together with prejudgment interest from the date

infringement of the '172 patent began;

B. An award of damages adequate to compensate Skyline for the infringement that has occurred, together with prejudgment interest from the date infringement of the '713 patent began;

C. An award to Skyline of all remedies available under 35 U.S.C. § 284;

D. An award to Skyline of all remedies available under 35 U.S.C. § 285;

E. A permanent injunction prohibiting further infringement and inducement of infringement of the '172 patent;

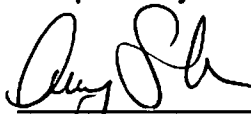
F. A permanent injunction prohibiting further infringement and inducement of infringement of the '713 patent; and,

G. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Skyline demands a trial by jury on all issues so triable.

Respectfully submitted:



Date: May 22, 2013

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